

Troy Shelley proposes the following substitute bill:

State Land Access Road Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Troy Shelley

Senate Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill amends provisions related to the abandonment and closure of a class D road and public access.

Highlighted Provisions:

This bill:

- ▶ amends requirements for off-highway vehicle equipment while operating in certain areas;
- ▶ provides a process necessary for a county and the state to abandon a class D road;
- ▶ requires public meetings and notice before abandonment of a class D road;
- ▶ ensures that existing easements and access rights for public utilities and water infrastructure are not impacted by the abandonment of a class D road;
- ▶ amends provisions related to the closure of a class D road due to lack of public use to include roads across property owned by a public entity or an institution of higher education;
- ▶ amends a criminal provision related to discharging a firearm near a class D road; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23A-6-303, as last amended by Laws of Utah 2025, Chapter 131

41-22-10.7, as last amended by Laws of Utah 2025, Chapter 285

53C-2-106, as enacted by Laws of Utah 2025, Chapter 131

63L-11-205, as enacted by Laws of Utah 2025, Chapter 131

29 72-3-105, as last amended by Laws of Utah 2025, Chapter 131
 30 72-3-108, as last amended by Laws of Utah 2023, Chapter 435
 31 72-5-102, as last amended by Laws of Utah 2023, Chapter 22
 32 72-5-105, as last amended by Laws of Utah 2024, Chapter 472
 33 76-11-201, as enacted by Laws of Utah 2025, Chapter 173
 34 76-11-209, as renumbered and amended by Laws of Utah 2025, Chapters 173, 208

36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **23A-6-303** is amended to read:

38 **23A-6-303 . Review and adoption of management plans.**

- 39 (1) The division shall submit a draft management plan to the Resource Development
 40 Coordinating Committee created in Section 63L-11-401 and the Habitat Council created
 41 by the division for their review and recommendations.
- 42 (2) The division shall submit a draft management plan and any recommendations received
 43 from the Resource Development Coordinating Committee and the Habitat Council to:
 44 (a) the regional advisory council for the wildlife region in which the lands covered by
 45 the management plan are located; and
 46 (b) the regional advisory council for a wildlife region that may be affected by the
 47 management plan.
- 48 (3) A regional advisory council reviewing a draft management plan may make
 49 recommendations to the director.
- 50 (4) The director may adopt the management plan, adopt the management plan with
 51 amendments, or reject the management plan.
- 52 (5)(a) At the request of the director or a member of the Wildlife Board, the Wildlife
 53 Board may review a management plan to determine whether the plan is consistent
 54 with Wildlife Board policies.
- 55 (b) The director may amend a management plan in accordance with recommendations
 56 made by the Wildlife Board.
- 57 (6) Neither the division nor the director may permanently close a road within a wildlife
 58 management area as part of a management plan without [consent of ~~§~~ **consultation**
 58a **coordinating** ~~←~~ **with**
 59 the county legislative body within which the wildlife management area is located.
- 60 (7)(a) The division shall record with the county in which the wildlife management area
 61 is located any road on or across the wildlife management area before the sale or

62 exchange of a wildlife management area.

63 (b) The sale or exchange of any portion of a wildlife management area is subject to the
64 public access rights existing at the time of the sale or exchange.

65 Section 2. Section **41-22-10.7** is amended to read:

66 **41-22-10.7 . Vehicle equipment requirements -- Rulemaking -- Exceptions.**

67 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

68 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
69 normal operating conditions;

70 (b) headlights and taillights when operated between sunset and sunrise;

71 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

72 (d) when operated on sand dunes designated by the division, a safety flag that is:

73 [~~(i) red or orange in color;~~]

74 [~~(ii)~~] (i) a minimum of six by 12 inches; and

75 [~~(iii)~~] (ii) attached to:

76 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
77 surface of level ground; or

78 (B) the protective headgear of a person operating an off-highway motorcycle so
79 that the safety flag is at least 18 inches above the top of the person's head.

80 (2) A violation of Subsection (1) is an infraction.

81 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
82 division may make rules, after notifying the commission, which set standards for the
83 equipment and which designate sand dunes where safety flags are required under
84 Subsection (1).

85 (4) An off-highway implement of husbandry used only in agricultural operations and not
86 operated on a highway, is exempt from the provisions of this section.

87 Section 3. Section **53C-2-106** is amended to read:

88 **53C-2-106 . Identification and recording of public roads located on trust lands.**

89 (1) The director shall:

90 (a) subject to Subsection (2), using the State Geographic Information Database created
91 in Section 63A-16-506, and other available information, identify temporary public
92 easements or rights of entry granted pursuant to Section 72-5-203 for roads located
93 on trust lands within each county; and

94 (b) subject to Section 72-5-203, record with the county recorder of the county in which
95 the temporary public easement or right of entry is located a grant or permanent

- 96 easement as described in Subsection (4) that gives notice of the existence of the
97 public road.
- 98 (2)(a) Subject to Subsection (2)(b), the director may complete the requirements of
99 Subsection (1) over time and as resources allow.
- 100 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan
101 County, Uintah County, and Wayne County, the director shall complete the
102 requirements described in Subsection (1) on or before January 5, 2026.
- 103 (c) For a county not described in Subsection (2)(b), the director shall strategically
104 complete the requirements described in Subsection (1) as funding and staffing
105 resources allow to promote and protect access to public lands.
- 106 (3) The director is not required to identify or record notice of any class A, class B, or class
107 C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 108 (4) The grant of easement required in Subsection (1)(b) shall include:
109 (a) a requirement that the roads remain open for public use; and
110 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads
111 sufficient for reasonable identification of the road.
- 112 (5)(a) If a parcel of trust lands is subject to a sale or an exchange as provided in this title,
113 the director shall ensure that the requirements of Subsection (1) are completed before
114 the sale or exchange is finalized.
- 115 (b) The sale or exchange of trust lands is subject to the grant of permanent easement
116 existing at the time of the sale or exchange.
- 117 Section 4. Section **63L-11-205** is amended to read:
118 **63L-11-205 . Identification and recording of public roads located on state-owned**
119 **public lands.**
- 120 (1) As used in this section, "state land" means land owned by:
121 (a) the Department of Natural Resources;
122 (b) the Division of Forestry, Fire, and State Lands;
123 (c) the Division of State Parks; and
124 (d) any other state land management agency.
- 125 (2)(a) In coordination with the relevant owner, the advisor shall:
126 (i) subject to Subsection (3), using the State Geographic Information Database
127 created in Section 63A-16-506, and other available information, identify roads
128 located on state land; and
129 (ii) subject to Subsection (2)(b), record with the county recorder of the county in

- 130 which the state land is located a document as described in Subsection (5) that
 131 gives notice of the existence of the public road or right-of-way.
- 132 (b) The advisor may not record a notice described in Subsection (2)(a)(ii) for a road on
 133 state land that is owned by the Division of Wildlife Resources until the land is sold or
 134 exchanged as described in Subsection (6).
- 135 (3)(a) Subject to Subsection (3)(b), the advisor may complete the requirements of
 136 Subsection (2) over time and as resources allow.
- 137 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan
 138 County, Uintah County, and Wayne County, the advisor shall complete the
 139 requirements described in Subsection (2) on or before January 5, 2026.
- 140 (c) For a county not described in Subsection (3)(b), the advisor shall strategically
 141 complete the requirements described in Subsection (2) as funding and staffing
 142 resources allow to promote and protect access to public lands.
- 143 (4) The advisor is not required to identify or record notice of any class A, class B, or class
 144 C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 145 (5) The notice required in Subsection (2)(a)(ii) shall include:
 146 (a) a title identifying the roads as "Public Access"; and
 147 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or
 148 rights-of-way sufficient for reasonable identification of the road.
- 149 (6)(a) If a parcel of state land is subject to a sale or an exchange, the advisor shall ensure
 150 that the requirements of Subsection (2) are completed before the sale or exchange is
 151 finalized.
- 152 (b) The sale or exchange of state land is subject to the public access rights ~~that~~ **→ [existing**
 152a **at the**
 153 **time of the sale or exchange] in place:**
 153a **(i) at the time the state acquired the land; and**
 153b **(ii) at any time during the state's ownership of the land ← that .**
- 154 [~~(7)(a) The Division of Wildlife Resources shall identify roads within a wildlife~~
 155 ~~management area in the respective property's habitat management plan, as required in~~
 156 ~~Section 23A-6-302.]~~
- 157 [~~(b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources~~
 158 ~~may:]~~
 159 [~~(i) temporarily close a road for the benefit of wildlife; and]~~
 160 [~~(ii) permanently close roads for the benefit of wildlife only:]~~

161 [~~(A) through the habitat management plan review and approval process in Section~~
162 ~~23A-6-303; and]~~

163 [~~(B) beginning on May 7, 2025, with consent of the county legislative body within~~
164 ~~which the road is located.]~~

165 [(e) Notwithstanding Subsection (7)(b), the Division of Wildlife Resources may close a
166 road for the benefit of wildlife if:]

167 [(i) there is an alternative road that will remain open that provides reasonable access
168 to the same area;]

169 [(ii) the road to be closed forks from the alternative road that will remain open;]

170 [(iii) the road to be closed is less traveled than the alternative road that will remain
171 open;]

172 [(iv) the road to be closed travels in approximately the same direction as the
173 alternative road that will remain open; and]

174 [(v) the road to be closed intersects with the alternative road that will remain open
175 within 2,000 feet of the location where the road to be closed forks from the road
176 that will remain open.]

177 [(d)(i) The Division of Wildlife Resources shall record with the county in which the
178 wildlife management area property is located, any road on or across the wildlife
179 management area prior to any sale or exchange of any wildlife management area
180 property.]

181 [(ii) The sale or exchange of Division of Wildlife Resources land is subject to the
182 public access rights existing at the time of the sale or exchange.]

183 Section 5. Section **72-3-105** is amended to read:

184 **72-3-105 . Class D roads -- Maps to be prepared by county -- Indication of roads.**

185 (1) As used in this section, "class D road" means any road, way, or other land surface route
186 that has been or is established by use or constructed [~~and has been maintained~~]to
187 provide for usage by the public for vehicles with four or more wheels that is not a class
188 A, class B, or class C road under this title, or an R.S. 2477 right-of-way, as that term is
189 defined in Section 72-5-301.

190 (2) Each class D road is part of the highway and road system within the state with the same [
191 ~~foree and~~]effect as if the class D road had been included within this system upon [its] the
192 class D road being first established or constructed.

193 (3) The state and county have joint undivided interest in the title to all rights-of-way for
194 class D roads, unless the state or county has vacated and abandoned interest in the class

- 195 D road.
- 196 (4)(a) Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction
197 and control of class D roads within the county.
- 198 (b) If a county vacates or abandons a class D road, the department exercises sole
199 jurisdiction and control of the class D road.
- 200 (5)(a) Each county shall prepare maps showing to the best of [its] the county's ability the
201 class D roads within [its] the county's boundaries which were in existence as of
202 October 21, 1976.
- 203 (b) Preparation of [~~these~~] the maps described in Subsection (5)(a) may be done by the
204 county [~~itself~~] or through any multi-county planning district in which the county
205 participates.
- 206 (6) Any class D road which is established or constructed after October 21, 1976, shall be
207 reflected on maps prepared as provided in Subsection (5).
- 208 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon
209 completion to the department.
- 210 (8)(a) The department shall scribe each road shown on [its] the department's own county
211 map series.
- 212 (b) The department is not responsible for the validity of any class D road and is not
213 responsible for [its] the class D road being inventoried.
- 214 (c) The department shall [~~also~~] keep on file an historical map record of the roads as
215 provided by the counties.
- 216 (9)(a) If a county vacates or abandons the county's class D road interest in a road within
217 the county, the right-of-way remains open for public use unless the department, in
218 consultation with the Public Lands Policy Coordinating Office created in Section
219 63L-11-201, determines that the road or right-of-way:
- 220 (i) does not provide a benefit to the state in a manner consistent with the principles of
221 multiple use and sustained yield as described in Section 63L-8-103; or
222 (ii) is not used to access public or private land.
- 223 (b) [~~Before~~] Subject to Subsections (9)(c) and (10), before a county may vacate or
224 abandon the county's right-of-way interest in a class D road, the county shall:
- 225 (i) [~~-~~] provide to the department 180 days in advance of taking the action a written
226 notice that includes the following:
- 227 (i) (A) a legal description and map of the portion of the class D road for which
228 the county intends to abandon the county's interest;

- 229 ~~[(ii)]~~ (B) a statement affirming that all gates and locks, whether ~~[or not]~~ installed or
230 authorized by the county, and all county agreements, have been removed from
231 the portion to be vacated; and
- 232 ~~[(iii)]~~ (C) documentation that the portion to be vacated is shown as a class D road
233 in the county recorder's office[-] ;
- 234 (ii) hold a public hearing giving the public the opportunity to provide written and oral
235 input;
- 236 (iii) publish notice of the hearing in compliance with the requirements of a class A
237 notice under Section 63G-30-102, for at least four weeks before the day of the
238 hearing; and
- 239 (iv) mail notice to the department and all owners of property abutting the class D
240 road, at least four weeks before the day of the hearing.
- 241 (c)(i) A county may not vacate or abandon the county's interest in a class D road if
242 the road provides:
- 243 (A) a public benefit to the state in a manner consistent with the principles of
244 multiple use and sustained yield as described in Section 63L-8-103;
- 245 (B) access to public land; or
- 246 (C) subject to Subsection (9)(c)(ii), access to private land beyond the location
247 where the vacation or abandonment of the class D road is proposed.
- 248 (ii) If a class D road provides access to private land as described in Subsection
249 (9)(c)(i)(C), the county may vacate or abandon the county's interest in the road if:
- 250 (A) the class D road does not provide public benefit or access to public land as
251 described in Subsection (9)(c)(i)(A) or (B); and
- 252 (B) each owner of private land along the class D road beyond where the vacation
253 or abandonment of the county's interest in the road is proposed to end agree in
254 writing to the abandonment of the road.
- 255 (iii) If a class D road is vacated or abandoned as described in Subsection (9)(c)(ii),
256 the county shall record with the county recorder a document describing the
257 vacation and abandonment.
- 258 (d) If a county vacates or abandons the county's interest in a class D road, the county
259 shall record with the applicable county recorder a notice of the vacation or
260 abandonment of the county's interest, including the following: "The county's vacation
261 or abandonment of the road does not constitute a vacation or abandonment by the
262 state of Utah of any interest the state may have."

263 ~~[(e)]~~ (e) A county may not vacate or abandon the county's right-of-way interest in a class
 264 D road without the approval of the department.

265 ~~[(d)]~~ (f) A person may not place a lock or a gate on a class D road right-of-way ~~[over~~
 266 ~~which the department exercises sole jurisdiction]~~ that provides access to multiple use
 267 lands or private property access.

268 (10)(a) The department may not vacate or abandon a class D road if the road provides:

269 (i) a public benefit to the state in a manner consistent with the principles of multiple
 270 use and sustained yield as described in Section 63L-8-103;

271 (ii) access to public land; or

272 (iii) access to private land beyond the location where the vacation or abandonment of
 273 the class D road is proposed.

274 (b) If a county legislative body determines that proposed vacation and abandonment of a
 275 class D road meets the requirements under Subsections (9)(b) and (10)(a), the county
 276 shall:

277 (i) publish the proposal on an agenda for a public meeting of the county legislative
 278 body to hear the proposal;

279 (ii) publish the proposal on a public notice website of the state government for at
 280 least 30 days before the public meeting; and

281 (iii) after satisfying the requirement under Subsection (10)(b)(ii), and at least 30 days
 282 after the meeting described in Subsection (10)(b)(ii), and subject to Subsection
 283 (10)(a), the county legislative body may vote to vacate and abandon the county's
 284 interest in the class D road.

285 (c) Any vacation and abandonment of a class D road is subject to reasonable access to
 286 existing rights-of-way or easements, including those for water infrastructure and
 287 public utilities.

288 ~~[(10)]~~ (11)(a) A county and the department are not required to maintain a class D road.

289 (b) An individual who travels on a class D road does so at the individual's own risk.

290 Section 6. Section **72-3-108** is amended to read:

291 **72-3-108 . County roads -- Vacation and narrowing -- Notice requirements.**

292 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
 293 without petition or after petition by a property owner.

294 (2) A county may not vacate a county road unless notice of the hearing is:

295 (a) published for the county, as a class A notice under Section 63G-30-102, for at least
 296 four weeks before the day of the hearing; and

- 297 (b) mailed to the department and all owners of property abutting the county road.
- 298 (3) The right-of-way and easements, if any, of a property owner and the franchise rights of
299 any public utility may not be impaired by vacating or narrowing a county road.
- 300 (4) Except as provided in Section 72-3-105 or 72-5-305, if a county vacates a county road,
301 the state's right-of-way interest in the county road is also vacated.

302 Section 7. Section **72-5-102** is amended to read:

303 **72-5-102 . Definitions.**

304 As used in this part[, "~~state transportation purposes~~" includes:] :

- 305 (1) "Public entity" means the same as that term is defined in Section 72-2-201.
- 306 (2) "State institution of higher education" means the same as that term is defined in Section
307 53B-3-102.
- 308 (3) "State transportation purposes" includes:
- 309 [(1)] (a) highway, public transit facility, and transportation rights-of-way, including those
310 necessary within cities and towns;
- 311 [(2)] (b) the construction, reconstruction, relocation, improvement, maintenance, and
312 mitigation from the effects of these activities on state highways and other
313 transportation facilities, including parking facilities, under the control of the
314 department;
- 315 [(3)] (c) limited access facilities, including rights of access, air, light, and view and
316 frontage and service roads to highways;
- 317 [(4)] (d) adequate drainage in connection with any highway, cut, fill, or channel change
318 and the maintenance of any highway, cut, fill, or channel change;
- 319 [(5)] (e) weighing stations, shops, offices, storage buildings and yards, and road
320 maintenance or construction sites;
- 321 [(6)] (f) road material sites, sites for the manufacture of road materials, and access roads
322 to the sites;
- 323 [(7)] (g) the maintenance of an unobstructed view of any portion of a highway to
324 promote the safety of the traveling public;
- 325 [(8)] (h) the placement of traffic signals, directional signs, and other signs, fences, curbs,
326 barriers, and obstructions for the convenience of the traveling public;
- 327 [(9)] (i) the construction and maintenance of storm sewers, sidewalks, and highway
328 illumination;
- 329 [(10)] (j) the construction and maintenance of livestock highways;
- 330 [(11)] (k) the construction and maintenance of roadside rest areas adjacent to or near any

331 highway; and
 332 ~~[(12)]~~ (1) the mitigation of impacts from transportation projects.

333 Section 8. Section **72-5-105** is amended to read:

334 **72-5-105 . Highways, streets, or roads once established continue until abandoned**

335 **-- Temporary closure -- Notice.**

336 (1)(a) Except as provided in Subsections (1)(b), (3), and (7), all public highways, streets,
 337 or roads once established shall continue to be highways, streets, or roads until
 338 formally abandoned or vacated by written order, resolution, or ordinance resolution
 339 of a highway authority having jurisdiction or by court decree, and the written order,
 340 resolution, ordinance, or court decree has been duly recorded in the office of the
 341 recorder of the county or counties where the highway, street, or road is located.

342 (b) If public use of a highway, street, or road across private land has been discontinued
 343 for more than 50 years:

344 (i) the highway, street, or road is not required to be formally abandoned as described
 345 in Subsection (1)(a); and

346 (ii) ownership of the highway, street, or road is vested in the adjoining record owner
 347 or owners, with one-half of the width of the highway, street, or road vesting to the
 348 adjoining owners.

349 (c) Subsection (1)(b) does not apply to a public highway, street, or road:

350 (i) claimed by the state or county under R.S. 2477 or across federal lands[-] ; or

351 (ii) on lands owned by a public entity or state institution of higher education.

352 (2)(a) ~~[For]~~ Except as provided in Subsections (2)(b) and (c), for purposes of assessment,
 353 upon the recordation of an order executed by the proper authority with the county
 354 recorder's office, title to the vacated or abandoned highway, street, or road shall vest
 355 to the adjoining record owners, with one-half of the width of the highway, street, or
 356 road assessed to each of the adjoining owners.

357 (b) ~~[Provided, however, that should a]~~ If the property description of an owner of record [
 358 extend] extends into the vacated or abandoned highway, street, or road, that portion of
 359 the vacated or abandoned highway, street, or road shall vest in the record owner, with
 360 the remainder of the highway, street, or road vested as otherwise provided in ~~[this-]~~
 361 Subsection ~~[(2)]~~ (2)(a).

362 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
 363 traffic under Subsection (3) or (7) remains vested in the city.

364 (3)(a) In accordance with this section, a state or local highway authority may

- 365 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a
366 class B, C, or D road or R.S. 2477 right-of-way.
- 367 (b)(i) A temporary closure authorized under this section is not an abandonment.
- 368 (ii) The erection of a barrier or sign on a highway, street, or road once established is
369 not an abandonment.
- 370 (iii) An interruption of the public's continuous use of a highway, street, or road once
371 established is not an abandonment even if the interruption is allowed to continue
372 unabated.
- 373 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
374 following circumstances:
- 375 (i) when a federal authority, or other person, provides an alternate route to an R.S.
376 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:
377 (A) accepted by the highway authority; and
378 (B) formalized by a federal permit or a written agreement between the federal
379 authority or other person and the highway authority;
- 380 (ii) when a state or local highway authority determines that correction or mitigation
381 of injury to private or public land resources is necessary on or near a class B or D
382 road or portion of a class B or D road; or
- 383 (iii) when a local highway authority makes a finding that temporary closure of all or
384 part of a class C road is necessary to mitigate unsafe conditions.
- 385 (d)(i) If a local highway authority temporarily closes all or part of a class C road
386 under Subsection (3)(c)(iii), the local highway authority may convert the closed
387 portion of the road to another public use or purpose related to the mitigation of the
388 unsafe condition.
- 389 (ii) If a local highway authority temporarily closes all or part of a class C road under
390 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease
391 agreement between the local highway authority and another entity, the local
392 highway authority may not reopen the closed portion of the road until the lease
393 agreement terminates.
- 394 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
395 2477 right-of-way temporarily closed under this section if the alternate route is
396 closed for any reason.
- 397 (f) A temporary closure authorized under Subsection (3)(c)(ii)[~~shall~~]:
398 (i) shall be authorized annually; and

- 399 (ii) may not exceed two years from the date the highway authority first closes the
400 highway, or the time it takes to complete the correction or mitigation, whichever
401 is less.
- 402 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway authority
403 shall pass an ordinance to temporarily or indefinitely close the road.
- 404 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4), a
405 highway authority shall:
- 406 (a) hold a hearing on the proposed temporary or indefinite closure;
- 407 (b) provide notice of the hearing by mailing a notice to the Department of
408 Transportation; and
- 409 (c) except for a closure under Subsection (3)(c)(iii), provide notice to the owners of the
410 properties abutting the highway, as a class B notice under Section 63G-30-102, [~~for~~]
411 at least four weeks before the day of the hearing.
- 412 (6) The right-of-way and easements, if any, of a property owner and the franchise rights of
413 any public utility may not be impaired by a temporary or indefinite closure authorized
414 under this section.
- 415 (7)(a) A local highway authority may close to vehicular travel and convert to another
416 public use or purpose a highway, road, or street over which the local highway
417 authority has jurisdiction, for an indefinite period of time, if the local highway
418 authority makes a finding that:
- 419 (i) the closed highway, road, or street is not necessary for vehicular travel;
- 420 (ii) the closure of the highway, road, or street is necessary to correct or mitigate
421 injury to private or public land resources on or near the highway, road, or street; or
- 422 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
423 conditions.
- 424 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
425 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a
426 lease agreement between the local highway authority and another entity, the local
427 highway authority may not reopen the closed portion of the road until the lease
428 agreement terminates.
- 429 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.
- 430 Section 9. Section **76-11-201** is amended to read:
- 431 **76-11-201 . Definitions.**
- 432 As used in this part:

- 433 (1) "Class D road" means the same as that term is defined in Section 72-3-105.
434 [~~(1)~~] (2) "Enter" means intrusion of the entire body.
435 [~~(2)~~] (3) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be
436 readily restored to fire, automatically more than one shot without manual reloading by a
437 single function of the trigger.
438 (4) "Highway" means the same as that term is defined in Section 72-1-102.
439 [~~(3)~~] (5) "House of worship" means a church, temple, synagogue, mosque, or other building
440 set apart primarily for the purpose of worship in which religious services are held and
441 the main body of which is kept for that use and not put to any other use inconsistent with
442 the building's primary purpose.
443 [~~(4)~~] (6) "Machinegun firearm attachment" means any part or combination of parts added to
444 a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.
445 [~~(5)~~] (7)(a) "Readily accessible for immediate use" means that a firearm or other
446 dangerous weapon is carried on an individual's person or within such close proximity
447 and in such a manner that it can be retrieved and used as readily as if carried on the
448 individual's person.
449 (b) "Readily accessible for immediate use" does not include a securely encased firearm.
450 [~~(6)~~] (8)(a) "Securely encased firearm" means a firearm that is not readily accessible for
451 immediate use.
452 (b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun
453 rack, in a closed locked or unlocked case or container, or in a trunk or other storage
454 area of a motor vehicle.
455 (c) "Securely encased firearm" does not include a firearm in a glove box or console box
456 unless the firearm is also in a holster or other case which covers the trigger
457 mechanism.

458 Section 10. Section **76-11-209** is amended to read:

459 **76-11-209 . Improper discharging of a dangerous weapon.**

- 460 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
461 (2) An actor commits improper discharging of a dangerous weapon if the actor discharges a
462 dangerous weapon:
463 (a) from a vehicle;
464 (b) from, upon, or across a highway other than a class D road;
465 (c) at a road sign placed on a [state-]highway;
466 (d) at communications equipment or property of public utilities including facilities,

- 467 lines, poles, or devices of transmission or distribution;
- 468 (e) at railroad equipment or facilities including a sign or signal;
- 469 (f) within a Utah State Park building, designated camp or picnic sites, overlooks, golf
470 courses, boat ramps, and developed beaches; or
- 471 (g) without written permission to discharge the dangerous weapon from the owner or
472 person in charge of the property within 600 feet of:
- 473 (i) a house, dwelling, or other building; or
- 474 (ii) a structure in which a domestic animal is kept or fed, including a barn, poultry
475 yard, corral, feeding pen, or stockyard.
- 476 (3) A violation of Subsection (2) is a class B misdemeanor.
- 477 (4) In addition to any other penalties, the court shall:
- 478 (a) notify the Driver License Division of the conviction for purposes of any revocation,
479 denial, suspension, or disqualification of a driver license under Subsection
480 53-3-220(1)(a)(xi); and
- 481 (b) specify in court at the time of sentencing the length of the revocation under
482 Subsection 53-3-225(1)(c).
- 483 (5) This section does not apply to an actor who:
- 484 (a) discharges a dangerous weapon in the lawful defense of the actor or another
485 individual;
- 486 (b) is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing
487 official duties as provided in Section 23A-2-207 or 79-2-704 or as otherwise
488 provided by law;
- 489 (c) discharges a dangerous weapon from an automobile or other vehicle, if:
- 490 (i) the discharge occurs at a firing range or training ground;
- 491 (ii) at no time after the discharge does the projectile that is discharged cross over or
492 stop at a location other than within the boundaries of the firing range or training
493 ground described in Subsection (5)(c)(i);
- 494 (iii) the discharge is made as practice or training for a lawful purpose;
- 495 (iv) the discharge and the location, time, and manner of the discharge are approved
496 by the owner or operator of the firing range or training ground before the
497 discharge; and
- 498 (v) the discharge is not made in violation of Subsection (2); or
- 499 (d) acting under a farm custom slaughter license, discharges a firearm or other
500 dangerous weapon in accordance with Subsection 4-32-108(3).

501 (6) It is a defense to a charge for violating this section that the actor had actual permission
502 of the person in charge of the property at the time the actor discharged the dangerous
503 weapon as described in Subsection (2).

504 Section 11. **Effective Date.**

505 This bill takes effect on May 6, 2026.